

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

P. POE 5, and P. POEs 2 through 4 and 6
through 75, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

THE UNIVERSITY OF WASHINGTON, a
Washington public corporation; ELIZA
SAUNDERS, Director of Public Records and
Open Public Meetings at the University of
Washington, in their official capacity,

Defendants.

No. 2:24-CV-00170

COMPLAINT

CLASS ACTION

Plaintiff P. Poe 5 brings this Complaint on behalf of themselves and all those similarly situated (“Plaintiffs”), against Defendant the University of Washington, and against Defendant Eliza Saunders in their official capacity as Director of Public Records and Open Public Meetings at the University of Washington. Under Fed. R. Civ. P. 65, Plaintiffs seek a Temporary Restraining Order and Preliminary Injunction restraining the University and Saunders from disclosing certain unredacted records that would reveal Plaintiffs’ identities as the members, alternate members, and former members/alternates of the Institutional Animal Care and Use Committee of the University

1 of Washington (“IACUC” or “the Committee”), in response to public records requests made to the
2 University of Washington under Washington’s state Public Records Act.

3 The IACUC reviews and monitors the use of animals in medical research at the University.
4 It currently operates anonymously, as authorized by federal regulations, due to threats of
5 harassment of Committee members by members of the public who oppose the use of animals in
6 medical research.

7 Multiple requesters of public records, including requesters affiliated with organizations that
8 oppose animal research, have filed requests with the University of Washington under Washington’s
9 Public Records Act seeking the disclosure of records that the UW believes would reveal Plaintiffs’
10 identities as IACUC members and alternates, and thus end their anonymous service on the IACUC.

11 Under Washington’s Public Records Act (“PRA”), along with the Constitution of the
12 United States and the Washington Constitution, Plaintiffs’ constitutional rights to informational
13 privacy, personal security, and bodily integrity, free from harassment or threats, exempt Plaintiffs’
14 personally identifying information from disclosure under the PRA, and/or outweigh the interests
15 of these requesters in revealing Plaintiffs’ identities. Plaintiffs seek, on their own behalf and on
16 behalf of those similarly situated, an order of this Court enjoining the release of relevant records
17 without the redaction of IACUC members’ names and any other personally identifying
18 information. Plaintiffs further seek to enjoin the unredacted release of any related documents or
19 communications that would reveal members’ names and other personally identifying information
20 in association with Plaintiffs’ service on the IACUC.

21 Under Revised Code of Washington Sections 4.24.580, 42.56.070(1), and 42.56.540,
22 Plaintiffs are further (or in the alternative) entitled to an injunction against disclosure under the
23 PRA, as individuals employed at a research or educational facility where animals are used for
24 research, educational, or agricultural purposes who are harassed, or believe they are about to be
25 harassed, by an organization, person, or persons whose intent is to stop or modify the facility’s use
26 or uses of an animal or animals.

1 Plaintiffs allege as follows:

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4 **I. PARTIES**

5 **Proposed Class Representatives**

6 1. Plaintiff P. Poe 5 is a current member or alternate of the University of Washington's
7 IACUC, whose identity has not been publicly disclosed, and who seeks to proceed
8 pseudonymously due to the essential issue in this litigation being the confidentiality of their
9 identity.

10 2. The remaining Plaintiffs seek to proceed pseudonymously as "P. Poe [X]" due to
11 the essential issue in this litigation being the confidentiality of their identities.

12 3. P. Poes 2-4 and 6-75 are a proposed class of individuals who are members, alternate
13 members, or former members of the UW IACUC and may be added as plaintiffs because their
14 personally identifying information is reflected in the records at issue or in related documents or
15 communications. Many of Plaintiffs are employees of the University of Washington or of a
16 research or educational facility where animals are used for research, educational, or agricultural
17 purposes.

18 4. Plaintiffs seek to proceed in a class action filed by P. Poe 5 on behalf of all persons
19 similarly situated ("P. Poes 2-4, 6-75") (collectively, "Plaintiffs").

20 **Defendants**

21 5. Defendant University of Washington is a Washington public corporation.

22 6. Defendant Eliza Saunders is an official of the University of Washington, serving as
23 Director of Public Records and Open Public Meetings at the University of Washington. Defendant
24 Saunders is sued in their official capacity, as a "person" as defined in Title 42, United States Code,
25 Section 1983. On information and belief, Defendant Saunders is the official responsible for
26 administering the University of Washington's response to Public Records Act requests. The

University of Washington and Saunders are collectively referred to herein as “Defendants” or the “UW Defendants.”

II. JURISDICTION AND VENUE

7. This case arises under: the United States Constitution; the Constitution of the State of Washington; Title 42, United States Code, Section 1983; Title 42, United States Code, Section 289d (the Health Research Extension Act of 1985, Pub. L. No. 99-158); and Title 7, United States Code, Section 2143 (the Food Security Act of 1985, Pub. L. No. 99-198).

8. This Court has jurisdiction over this action under Title 28, United States Code, Sections 1331 and 1343.

9. This Court has pendent or supplemental jurisdiction over claims arising under the laws of the State of Washington under Title 28, United States Code, Section 1367(a).

10. Venue in this Court is proper under Title 28, United States Code, Section 1391(b)(2), because, on information and belief, the records at issue are maintained by the University of Washington in Seattle, Washington, and because Defendant Saunders exercises their official duties in Seattle, Washington, and made the decision in Seattle to produce relevant records.

III. FACTS

11. The Institutional Animal Care and Use Committee at the University of Washington is a committee associated with the University and established pursuant to federal law (Title 42, United States Code, Section 289d (the Health Research Extension Act of 1985, Pub. L. No. 99-158); and Title 7, United States Code, Section 2143 (the Food Security Act of 1985, Pub. L. No. 99-198)).

12. In the United States, every institution that accepts government funding for research involving the use of animals is required by federal law to have an IACUC to review, approve, and monitor all current or proposed research projects involving vertebrates or cephalopods (e.g. octopi). IACUCs are responsible for ensuring that animals receive the care, treatment, and respect

1 that they deserve, as critical components of biomedical research to find cures for diseases and
2 conditions that afflict both humans and animals.

3 13. According to the Society for Neuroscience, the American Academy of Neurology,
4 the American Physiological Society, and the American Transplant Foundation, medical research
5 involving nonhuman primates “has led to critical health advances,” in areas such as “vaccine
6 development, Alzheimer’s, Parkinson’s and cancer research, diabetes, organ transplants, and blood
7 pressure control,” that “have saved or improved millions of human lives.”

8 14. An IACUC must comply with federal laws, guidelines, and policies. It is subject to
9 inspection by the U.S. Department of Health and Human Services, and the U.S. Department of
10 Agriculture.

11 15. The IACUC at the University of Washington has a website describing its
12 organization and its activities, available at << <https://oaw.uw.edu/iacuc/>>>.

13 16. The UW IACUC website states: “The IACUC ensures compliance with federal
14 regulations, reviews and approves each proposed animal project before it can begin, inspects
15 animal facilities, and performs a comprehensive review of the University’s animal program twice
16 a year.”

17 17. The UW IACUC website further states: “IACUC members are appointed by the
18 Institutional Official (IO), who is granted that authority by the President of the University. The IO
19 is responsible for the proper functioning of the University’s animal care and use program, including
20 compliance with all laws and regulations. The IO at the University of Washington is the Sr.
21 Associate Vice Provost for Research Administration and Integrity.”

22 18. Service on the UW IACUC is voluntary and uncompensated.

23 19. Members and alternates of the UW IACUC include individuals who are employees
24 of the University of Washington.

25 20. The website further describes that “The committee includes at least one scientist
26 with expertise in experiment design, at least one veterinarian experienced in care of research

1 animals, at least one non-scientist, and at least one unaffiliated member — someone not employed
2 by UW and whose immediate family members are not UW employees.”

3 21. The IACUC must evaluate and prepare reports on all of the institution’s programs
4 and facilities (including satellite facilities) for activities involving animals at least twice each year.
5 The reports are addressed to the Institutional Official.

6 22. Among the facilities affiliated with the University of Washington is the Washington
7 National Primate Research Center (“WaNPRC”), which has been the subject of various PETA
8 protests.

9 23. As the website states, the IACUC has monthly meetings that are open to the public
10 and include a public comment period. The monthly meeting schedule is announced in advance on
11 the website, which also provides the Zoom link to join the meetings. <<
12 <https://www.washington.edu/oaw/iacuc-meeting-schedule/> >> (reviewed December 28, 2023).
13 The website also makes available both the minutes of the monthly IACUC meetings and the
14 committee’s semi-annual reports to the Institutional Official.

15 24. The UW IACUC website also includes a link for “Reporting Animal Welfare
16 Concerns” to the UW’s Office of Animal Welfare, which notes “The reported deficiency or
17 problem will be investigated and reported to the UW IACUC. Individuals who reported concerns
18 anonymously can view IACUC meeting minutes on this website in order to see the results and
19 maintain their anonymity. Concerns may be submitted anonymously with the form.” *Id.*

20 25. Although the IACUC meetings are open to the public, the IACUC at the University
21 of Washington has for some time operated with a limited amount of anonymity for its members
22 and alternates, specifically due to ongoing threats and harassment of committee members by
23 members of the public who oppose the use of animals in research. For these reasons, the federal
24 agencies that regulate IACUC committees (including HHS and the Department of Agriculture)
25 allow the University of Washington’s committee to continue to keep confidential the names of
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1 current and former committee members and alternates, other than Dr. Jane Sullivan (the Chair),
2 and the lead veterinarian.

3 26. Even with this limited anonymity for IACUC members and alternates, the public
4 still can view and comment at IACUC meetings. Some members of the public have made use of
5 the public comment time to make harassing and threatening comments to Committee members.
6 For example, public commenters have regularly accused members of the UW IACUC and UW
7 animal researchers of being “sadistic” and like “Nazis,” and compared the UW to “Auschwitz,”
8 for supporting animal research. A substantial number of similar hostile comments have been made
9 at various IACUC meetings.

10 27. IACUC members and alternates are also aware of a variety of other harassing and
11 threatening communications directed at them and their University of Washington colleagues as a
12 result of their association with the IACUC and/or with animal research. This has included, but is
13 not limited to, an email directed to UW stating that people who work with animals in research are
14 “vile [expletive] humans” and that “I’m going to do what is necessary to stop animal research.”
15 Animal research opponents have listed a UW IACUC member’s cats by name and asked how the
16 member would feel if the cats were subjected to “spinal-cut research.”

17 28. During the 2022 litigation (see below), another organization, Animal Rights Watch,
18 posted online “MURDER CONFIDENTIAL: Animal Research Panel Sues Own University,
19 Fearing Harassment from Animal Rights Activists,” pasted over an image of UW with the label
20 “UW PRIMATE LAB SEATTLE Auschwitz for MONKEYS.”

21 29. Animal research opponents, including individuals who specifically identified
22 themselves as supporters of the group People for the Ethical Treatment of Animals, picketed
23 outside the private residence of an individual involved in animal research at UW, wearing monkey
24 masks, and told the individual’s neighbors they “hurt monkeys.” PETA is an international
25 organization that opposes what it terms “unethical” treatment of animals, including the use of
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1 animals in medical research. PETA previously made a specific request for the disclosure of records
2 of the identities of members of the UW IACUC, as described further below.

3 30. PETA's website asserts that "Animals are not ours to experiment on, eat, wear, use
4 for entertainment, or abuse in any other way."

5 << <https://www.peta.org/features/what-peta-really-stands-for/>>> (reviewed February 19, 2022).

6 Regarding the use of animals in medical research, PETA states that "PETA is at the forefront of
7 stopping this abuse. Our dedicated team of scientists and other staff members work full time
8 exposing the cruelty of animal tests in order to ensure their imminent end. This team... spearheads
9 hard-hitting eyewitness exposés and public campaigns that have been pivotal in shifting public
10 opinion against animal testing, and persuades major corporations, government agencies, and
11 universities to abandon animal tests in favor of modern, non-animal methods."

12 <<<https://www.peta.org/issues/animals-used-for-experimentation/>>> (reviewed February 19,
13 2022).

14 31. PETA's website announces that PETA deliberately encourages its followers to send
15 an overwhelming number of communications demanding closure of animal research institutions
16 and programs. For example, for some time, PETA has been opposing the Washington National
17 Primate Research Center. PETA itself previously declared on its website that "PETA supporters
18 have sent more than 57,000 e-mails calling for the immediate closure of the WaNPRC and the
19 release of the monkeys there to reputable sanctuaries." Available at
20 <<<https://www.peta.org/blog/peta-sues-uw-monkey-experiments/>>> (as of February 19, 2022;
21 PETA has since updated the blog post, as of November 30, 2022, and apparently removed its
22 statement about PETA supporters' "57,000 emails" (reviewed December 28, 2023)).

23 32. During 2022, persons officially affiliated with PETA urged a hotel in Maine to
24 cancel an international research conference specifically because Dr. Michele Basso, the director of
25 the WaNPRC, was scheduled to participate in the conference, along with another UW researcher
26 affiliated with the WaNPRC.

1 33. During the same time PETA was urging the hotel to cancel the research conference,
2 Dr. Basso received an anonymous text message that addressed her by name and stated: “Looking
3 fwd to seeing you in maine next week We are planning something special for you !!”

4 34. PETA has a documented history of publicly criticizing individual scientists’
5 research for years at a time, resulting in those scientists receiving critical and sometimes
6 threatening communications from members of the public. For example, Dr. Christine Lattin, who
7 conducts research involving birds, has been repeatedly criticized by name by PETA for more than
8 six years, during her time at Yale University and Louisiana State University.

9 35. During that time, according to media reports, PETA’s repeated calls for action
10 against Dr. Lattin’s research have led to a “deluge” of death threat emails against Dr. Lattin, along
11 with letters to her and her neighbors. Dr. Lattin “accused PETA of lying about her work in order
12 to create outrage that will prompt its supporters to donate to the group. ‘A big misconception out
13 there is that this work is unregulated,’ Lattin said. ‘It’s incredibly, highly regulated, which I think
14 is as it should be. Animal researchers, including myself, care deeply about minimizing any kind of
15 suffering and distress in research animals, and we only use animals in research when there’s no
16 other alternative.’” Baton Rouge *Advocate*, Jan. 4, 2021: << [PETA labeled an LSU researcher a
17 bird-killer. She's pushing back against the 'lies' | Education | theadvocate.com](#) >> (last visited
18 January 5, 2024).

19 36. In response, a PETA official was quoted as saying she “doesn’t agree with some of
20 the vile language that’s appeared in emails and Tweets [targeting Dr. Lattin], but she supports its
21 intent, and says words don’t equal action.”

22 37. IACUC members and alternates reasonably believe that disclosure of their currently
23 anonymous identities, despite the otherwise fully public IACUC meetings and reports, to requesters
24 of records, will in turn allow members of the public who oppose the use of animals in medical
25 research to individually harass and intimidate IACUC members and alternates. IACUC members
26

1 and alternates reasonably believe they would be harmed if their identities were made public by
2 being subjected to increased harassment and threats.

3 38. UW IACUC members have serious concerns about their safety and well-being if
4 their identities are disclosed despite their current anonymity. Members believe the ongoing
5 harassment targeting IACUC members and animal researchers has created “an environment of
6 fear” that is making it more difficult to recruit and retain members. Dr. Sullivan previously declared
7 “I believe that the release of IACUC members’ names will have a profound negative impact on our
8 ability to function as a committee.”

9 39. Individuals and organizations opposed to scientific and medical research involving
10 animals have filed multiple public records requests under Washington’s state Public Records Act
11 that could or would require UW to disclose the identities of current and former IACUC members
12 and alternates.

13 40. In 2021, a public records request was filed with the University of Washington by
14 Dr. Lisa Jones-Engel, who is affiliated with PETA. The request asked for “copies of all of the
15 Institutional Animal Care and Use Committee appointment letters that institutional officials have
16 created or produced.”

17 41. In 2022, individuals associated with Plaintiffs brought a lawsuit against Defendants
18 UW and Saunders, seeking to enjoin Defendants from disclosing the identities of UW IACUC
19 members in response to PETA’s public records requests. *See Jane Sullivan et al. v. University of*
20 *Washington, et al.*, Cause No. 2:22-cv-0204-RAJ (W.D. Wash) (“*Sullivan*”). The individual named
21 plaintiffs in that action were Dr. Jane Sullivan, the chair of the UW IACUC, and P. Poe 1, an
22 anonymous member of the UW IACUC. During that action, this Court twice granted injunctive
23 relief against Defendants, barring disclosure of the requested records. *See id.*, Dkt No. 38 (April
24 26, 2022 Order granting preliminary injunction); Dkt No. 80 (May 3, 2023 Order granting
25 preliminary injunction).
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1 42. The Ninth Circuit Court of Appeals subsequently concluded the individual Plaintiffs
2 in No. 2:22-cv-0204-RAJ, Dr. Sullivan and P. Poe 1, lacked standing to represent the asserted
3 interests of the UW IACUC. In an unpublished opinion, the Ninth Circuit held Dr. Sullivan lacked
4 standing to represent the institutional interests of the UW IACUC in her personal capacity, and
5 held that P. Poe 1 lacked standing because his identity had been disclosed to PETA by UW prior
6 to the original filing of the action (in response to an earlier public records request that Plaintiffs
7 were not given the opportunity to oppose). *See Jane Sullivan et al. v. University of Washington, et*
8 *al.*, 2023 WL 8621992 (9th Cir. Dec. 13, 2023). The Ninth Circuit declined to disturb the district
9 court's underlying legal reasoning.

10 43. After the Ninth Circuit dismissed the *Sullivan* case on standing grounds, PETA
11 stated it was withdrawing its public records requests previously submitted by Dr. Jones-Engel, as
12 of December 19, 2023.

13 44. After PETA withdrew those public records requests, the UW Defendants informed
14 Plaintiffs they believed additional records requests remain open and pending that would or could
15 require disclosure of records identifying the members and alternates of the UW IACUC, if
16 disclosure were not enjoined. The UW Defendants stated they would disclose any records subject
17 to disclosure in the absence of a court order by February 16, 2024. The UW Defendants also stated
18 they would no longer notify Plaintiffs of future public records requests for Plaintiffs' personally
19 identifying information, so as to allow Plaintiffs to oppose disclosure.

20 45. The UW Defendants have stated that one of the currently "open" public records
21 requests that may call for UW IACUC records was submitted in July of 2022 by an individual
22 associated with PETA's "Laboratory Investigations Department." Another public records request
23 the UW Defendants currently consider "open" is associated with a group called Rise for Animals.
24 Another comes from an individual associated with the Northwest Animal Rights Network
25 ("NARN").
26

1 46. Rise for Animals describes itself as “a national animal rights organization on a
2 mission to end nonhuman animal experimentation in our lifetimes. With the support of humans
3 like you, we advocate for the abolition of nonhuman animal experimentation, including the
4 liberation of nonhuman animals[.]” << <https://riseforanimals.org/our-story/> >> (reviewed
5 December 28, 2023).

6 47. Rise for Animals asserts the answer to the question “Don’t we need to experiment
7 on animals to find cures for diseases?” is “No... Experiments on nonhuman animals don’t save
8 human lives.” *Id.* With respect to the UW IACUC specifically, Rise for Animals claims the
9 “IACUC is supposed to be the oversight committee that protects animals who are experimented
10 on, however, it operates as a rubber stamp for research experiments, opting to approve all studies
11 regardless of any Animal Welfare Act violations or the extent of pain a nonhuman animal will
12 receive while being experimented on.” << <https://riseforanimals.org/news/narn/> >> (reviewed
13 December 28, 2023).

14 48. Rise for Animals describes itself as an “ally and collaborat[or] with” NARN, which
15 also “campaigns against animal experimentation at the University of Washington” including
16 organizing “monthly demo[nstrations.]” *Id.*

17 49. Based on public information, NARN appears to be associated with PETA, as
18 follows:

19 50. NARN’s website includes images of protests against the WaNPRC that took place
20 near the UW’s Husky Stadium on or about August and September of 2022. Protestors are pictured
21 holding signs reading “UW: Stop Killing Endangered Monkeys,” “Hurting Monkeys Won’t Help
22 Humans,” and “UW: CLOSE THE CRUEL PRIMATE RESEARCH CENTER,” followed by the
23 PETA and NARN logos side-by-side. Individuals holding NARN/PETA signs are also pictured
24 standing behind a large pre-printed banner with the statement “University of Washington
25 BOUNDLESS MISERY” and the PETA logo. *See* NARN, “Animals in Labs at the University of
26 Washington,” << <https://narn.org/animals-in-labs/> >> (reviewed December 28, 2023).

1 51. NARN specifically criticizes the UW IACUC, asserting it “has acted like a rubber
2 stamp, never seeing a research study that used non-human animals that they didn’t approve of, no
3 matter how heinous the experiment.” On the same webpage, NARN links to a PETA YouTube
4 video criticizing the WaNPRC. *Id.*

5 52. NARN encourages its members and supporters to sign up to testify at the UW
6 IACUC’s monthly meetings, and provides them with instructions how to do so. <<
7 [https://docs.google.com/document/d/1LQQBZPOtO9wo3Apmoxrhk4Qm028DI4vO1ve5FdR37d](https://docs.google.com/document/d/1LQQBZPOtO9wo3Apmoxrhk4Qm028DI4vO1ve5FdR37dU/edit)
8 [U/edit](https://docs.google.com/document/d/1LQQBZPOtO9wo3Apmoxrhk4Qm028DI4vO1ve5FdR37dU/edit) >> (reviewed December 28, 2023).

9 53. Plaintiffs notified both PETA (through its counsel) and NARN that Plaintiffs
10 intended to file this renewed litigation. In response, both PETA and NARN stated that at this time,
11 their records requests are not intended to seek the identities of UW IACUC members, and that they
12 would accept the release of documents with IACUC members’ personally identifying information
13 redacted. However, both PETA and NARN reserved the right to seek such information in the
14 future. Meanwhile, the UW stated its position on redactions is that “historically the University only
15 makes redactions that are supported by exemptions in the Act or other statutes, and not those that
16 are by request.”

17 54. On information and belief, the release of UW IACUC members and alternates’
18 identifying information to these or other requesters will have essentially the same result and effects
19 as the release of identifying information to PETA in the previous *Sullivan* litigation would have.

20 IV. CLASS ACTION ALLEGATIONS

21 55. Under Fed. R. Civ. P. 23(b), Plaintiff P. Poe 5 seeks to bring this action as a class
22 action on behalf of themselves and all individuals similarly situated (“P. Poes 2-4, 6-75”).

23 56. **Class Definition:** The proposed class consists of individuals who are current and
24 former members and alternate members of the IACUC at the University of Washington, whose
25 personally identifying information is reflected in one or more appointment letters, and/or in
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1 communications relating to public records requests, and whose personally identifying information
2 has not been previously disclosed by the University of Washington.

3 57. **Numerosity:** On information and belief, there are approximately 70 members in the
4 proposed Class, who are unable to sue individually in the short time available prior to the
5 University's stated intent to release the records in question. This Class is sufficiently numerous
6 that it is impracticable to join each individual member. It will substantially benefit all parties and
7 the Court if the claims of the Class may be considered and adjudicated in a single action.

8 58. **Commonality:** The claims of Plaintiffs and the class Plaintiffs seek to represent
9 present common questions of law and fact. These include, but are not limited to, whether Plaintiffs'
10 rights to personal security, bodily integrity, and informational privacy under the Constitutions of
11 Washington and the United States constitute an exemption to disclosure under RCW 42.56, and
12 whether the Court should grant injunctive relief barring Defendants from releasing Plaintiffs'
13 unredacted personally identifying information.

14 59. **Typicality:** The claims of Plaintiffs are typical of the Class. Plaintiffs' claims are
15 based on the same conduct by Defendants and share the same legal bases.

16 60. **Adequacy:** Plaintiffs are adequate representatives of the proposed Class, as their
17 legal interests are in all respects aligned. Plaintiffs have retained the representation of undersigned
18 counsel, who is experienced in class action litigation, and Plaintiffs have the resources necessary
19 to prosecute this action.

20 61. **Injunctive Relief:** Because Defendants threaten to act on grounds applicable to the
21 proposed Class as a whole, injunctive relief as to the proposed Class as a whole is appropriate, and
22 would avoid a risk of duplicative litigation and inconsistent adjudications.
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FIRST CAUSE OF ACTION

**VIOLATION OF CONSTITUTIONAL RIGHTS OF PERSONAL SECURITY, BODILY
INTEGRITY, AND INFORMATIONAL PRIVACY**

62. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

63. Plaintiffs have rights of personal security, bodily integrity, and informational privacy under Article I, section 3 of the Constitution of Washington and under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, respectively.

64. Harassment and threats directed at Plaintiffs due to their activities related to the UW IACUC, that would likely result from the disclosure of their personally identifying information, violate Plaintiffs' rights of personal security, bodily integrity, and informational privacy.

65. Under the present circumstances, Defendants' disclosure of Plaintiffs' personally identifying information pursuant to Washington's Public Records Act would infringe on Plaintiffs' constitutional rights of personal security, bodily integrity, and informational privacy under the Constitutions of Washington and the United States.

66. To the extent Defendants are state officers acting in their official capacity under color of state law, Plaintiffs may further obtain injunctive relief under Title 42, United States Code, Section 1983, from Defendants' deprivation of Plaintiffs' constitutional rights.

SECOND CAUSE OF ACTION

INJUNCTIVE RELIEF (RCW 42.56.540)

67. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

68. Washington's Public Records Act, RCW 42.56.540, authorizes a court to enjoin the release of a public record when "such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions."

69. Washington’s Public Records Act, RCW 42.56.070(1), further provides that a public record may be exempt from disclosure under an “other statute” outside of the Public Records Act “which exempts or prohibits disclosure of specific information or records.”

70. Plaintiffs’ constitutional rights of personal security, bodily integrity, and informational privacy under Article I, section 3 of the Constitution of Washington and under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States constitute an “other statute” exempting Plaintiffs’ personally identifying information from disclosure under RCW 42.56.070(1), and therefore authorizing an injunction under RCW 42.56.540.

71. In the alternative, Plaintiffs' constitutional rights of personal security, bodily integrity, and informational privacy under Article I, section 3 of the Constitution of Washington and under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States constitute an independent source of legal authority exempting Plaintiffs' personally identifying information from disclosure under Washington's Public Records Act, and therefore authorizing an injunction under RCW 42.56.540.

72. Because the disclosure of Plaintiffs' personally identifying information would infringe on Plaintiffs' constitutional rights of personal security, bodily integrity, and informational privacy, Plaintiffs are entitled to an injunction barring disclosure of such information under RCW 42.56.070(1) and RCW 42.56.540.

THIRD CAUSE OF ACTION

INJUNCTIVE RELIEF (RCW 4.24.580; 42.56.540)

73. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

74. Washington's Public Records Act, RCW 42.56.540, authorizes a court to enjoin the release of a public record when "such examination would clearly not be in the public interest and

1 would substantially and irreparably damage any person, or would substantially and irreparably
2 damage vital governmental functions.”

3 75. Washington’s Public Records Act, RCW 42.56.070(1), further provides that a
4 public record may be exempt from disclosure under an “other statute” outside of the Public Records
5 Act “which exempts or prohibits disclosure of specific information or records.”

6 76. RCW 4.24.580, “Acts against animal facilities – Injunction,” provides that
7 individuals employed at a research or educational facility where animals are used for research,
8 educational, or agricultural purposes who are harassed, or believe they are about to be harassed, by
9 an organization, person, or persons whose intent is to stop or modify the facility’s use or uses of
10 an animal or animals, may apply for injunctive relief to prevent the harassment.

11 77. Under RCW 4.24.580, Plaintiffs are individuals employed at a research or
12 educational facility where animals are used for research, educational, or agricultural purposes, who
13 are harassed, or believe they are about to be harassed, by an organization, person, or persons whose
14 intent is to stop or modify the facility’s use or uses of an animal or animals.

15 78. RCW 4.24.580 constitutes an “other statute” exempting Plaintiffs’ personally
16 identifying information from disclosure under RCW 42.56.070(1), and therefore authorizing an
17 injunction under RCW 42.56.540 in favor of Plaintiffs.

18 **FOURTH CAUSE OF ACTION**

19 **DECLARATORY JUDGMENT**

20 79. Plaintiffs repeat and re-allege each and every allegation contained in the preceding
21 paragraphs, as if fully set forth herein.

22 80. Plaintiffs are entitled to a declaratory judgment against Defendants, because a
23 substantial controversy exists between Plaintiffs and Defendants, as alleged herein.

24 81. Plaintiffs are entitled to a declaratory judgment whether Plaintiffs’ constitutional
25 rights to personal security, bodily integrity, and informational privacy constitute an “other statute”
26 exempting Plaintiffs’ personally identifying information from disclosure under RCW

1 42.56.070(1), or constitutional authority for an exemption from the PRA, and therefore authorizing
2 an injunction under RCW 42.56.540.

3 82. Plaintiffs are entitled to a declaratory judgment whether RCW 4.24.580 constitutes
4 an “other statute” exempting Plaintiffs’ personally identifying information from disclosure under
5 RCW 42.56.070(1), and therefore authorizing an injunction under RCW 42.56.540.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs seek judgment in their favor and relief against Defendants as
8 follows:

9 A. Temporary, preliminary, and permanent injunctive relief, enjoining each of
10 Defendants from disclosing personally identifying information identifying Plaintiffs as current or
11 former members or alternates of the UW IACUC;

12 B. Declaratory judgment that the release of Plaintiffs’ personally identifying
13 information would violate the constitutional rights of Plaintiffs, under the Constitutions of
14 Washington and the United States, and for that reason such information is exempt from disclosure
15 under Washington’s Public Records Act;

16 C. Declaratory judgment that the “P. Poe” plaintiffs and class members are individuals
17 who can demonstrate that they are harassed, or believe that they are about to be harassed, as
18 required by RCW 4.24.580, and thus that their personally identifying information is exempt from
19 disclosure under RCW 42.56.070(1), and that disclosure of such information should be enjoined
20 under RCW 42.56.540;

21 D. Certification of a class of Plaintiffs as defined above;

22 E. The appointment of Plaintiffs as representatives of the certified class;

23 F. The appointment of undersigned counsel as counsel for the certified class; and

24 G. Such other and further relief as the Court deems proper and just.
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2 DATED this 8th day of February, 2024.
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5 Respectfully submitted,

6 **Goldfarb & Huck Roth Riojas, PLLC**

7 /s/Darwin P. Roberts

8 Darwin P. Roberts, WSBA No. 32539

9 925 Fourth Avenue, Suite 3950

10 Seattle, Washington 98104

Telephone: (206) 452-0260

Facsimile: (206) 397-3062

11 E-mail: roberts@goldfarb-huck.com

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13 Counsel for Plaintiffs P. Poe 5, *et al.*
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